

REMARKS

Claims 1-5, 7-19, 23-24, 26 and 28-32 are pending. By this Amendment, claims 1, 7, 10, 16-17 and 26 are amended and claim 19 is canceled.

Claim Rejections – 35 U.S.C. § 112

Claims 1-5, 7-19, 23-24, 26 and 28-32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 7-19, 23-24 and 32 stand rejected as being unpatentable over U.S. Patent No. 5,788,669 to Peterson in view of U.S. Patent No. 5,713,856 to Eggers in view of Official Notice and in even further view of JP 7502678. Claims 4 and 5 stand rejected as being unpatentable over Peterson in view of Eggers in view of Official Notice in view of JP '678 and further in view of Acute Health Solutions DoseWatch to use Multum's MediSource. Claims 26 and 28-31 stand rejected as being unpatentable over Peterson in view of Eggers in view of U.S. Patent No. 5,658,620 to Blomquist and further in view of JP '678.

Independent claim 16 has been amended to incorporate the limitations of dependent claim 19, which include uploading the program data from the medical pump back to the computer, comparing the uploaded program data to the data that was downloaded to the medical pump and generating an error message if the program data uploaded from the pump is not identical to the

program data that was downloaded to the pump. Each of independent claims 1, 7, 10 and 26 have been amended to include similar limitations. None of the cited references teach or suggest these limitations.

The Office Action did not set forth a rejection of dependent claim 19, instead stating that “as per claims 7-19 and 23-24,” these claims are substantially similar to claims 1-6 and are rejected on the same basis” despite the fact that claim 19 included limitations not found in any of claims 1-6, so it is unclear on what basis the limitations of claim 19 were found to be obvious over the prior art. Claim 5 includes a limitation that recites uploading program data from a pump to the computer, and was rejected in the Office Action with a further citation to Medisource publication. However, the Medisource publication only discloses capturing actual drug administration data from a pump and uploading the data to a database that ensures that the drug is being administered in accordance with a valid treatment protocol. Medisource does not disclose that the pump downloads data items for operation of the pump from the database, returns the data items to the database and that the database compares the two sets of data items and generates an error message if they do not match. As such, Medisource does not teach or suggest the limitations of these claims as amended.

In the child application of the present application, a claim of similar scope to original dependent claim 19 was rejected with a citation to column 5, lines 6-17 and lines 46-54 of Eggers. However, the cited passages only recite that a plurality of functional units, such as patient monitoring units and pumping units, can communicate to an interface the type of unit that each unit comprises. The reference does not teach or suggest the functional unit receiving program data for operation of the unit from a computer, uploading the program data back to the

computer and then a comparison of the program data that generates an error message if the program data is not matched. As such, Eggers also fails to teach or suggest the limitations of these claims.

Thus, none of the cited references teach or suggest the limitations of the amended independent claims. Given that no reference teaches or suggests these limitations, there is no reasoned basis for modifying the additional references to include these features. It is therefore respectfully requested that the rejections of independent claims 1, 7, 10, 16 and 26 be withdrawn, for at least this reason.

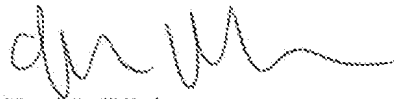
With regard to dependent claims 2-5, 8-9, 11-15, 17-19, 23-24 and 28-32, the claims are allowable at least because the underlying base claims are allowable, although Applicant does not acquiesce in the positions set forth in the Office Action and specifically reserves the right to make further arguments with respect to these claims.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Chad J. Wickman', with a stylized, flowing script.

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